

**REMARKS**

This paper responds to the first Office action, which was non-final.

Claim 1 was rejected under 35 USC 112, second paragraph, as being indefinite due to the phrase “the internet” in line 1. To address this rejection, the claim has now been amended to describe a “method for Internet content delivery.” The claim is now sufficiently definite, and the rejection should be withdrawn.

Claims 1 was rejected under 35 USC 103(a) as being unpatentable over Leighton et al (U.S. Patent No. 6,108,703) in view of Kenner et al (U.S. Patent No. 6,421,726). The ‘703 patent describes Internet content delivery, a content delivery network having a DNS and a set of content servers, as well as a “network map” that is “updated continually based on network conditions and traffic.” The ‘726 patent describes various types of network performance tests that can be performed, with the data then being aggregated and used in a map.

Nevertheless, to address the pending rejection, the independent claim has now been amended to provide further details of how the “network map” is generated and how it is used. As to how the network map is generated, the Examiner will note that amended claim 1 now recites the following specific steps:

“for each Internet Protocol (IP) address block from which requests for content resources are expected to be received, generating a candidate list of Internet data centers to be used to service the requests for content resources, wherein the candidate list of Internet data centers is generated using (i) geographic information from one or more Internet registry databases identifying a geographic location of the IP address block, (ii) BGP route information collected from BGP peers participating in BGP (BGP) sessions, (iii) autonomous system (AS) information, and (iv) data collected from one or more network performance metric tests; and;

for the IP address block, selecting at least one of the Internet data centers from the candidate list to be used to service the requests for content resources, wherein the selected Internet data center is written into a network map.”

The specific data identified in sub-steps (i)-(iii), as well as how this data is used to generate a “candidate list of Internet data centers” from which one is then selected, are features that are not specifically described in the cited references. (This subject matter is described primarily in paragraphs [0082]-[0084] at page 29 of the written description).

New dependent claims 2-5 include subject matter described primarily at [0078] at pages 27-28 of the written description.

New dependent claim 6 includes subject matter described at [0087] at page 30 of the written description.

New dependent claim 8 includes subject matter described at [0086] at page 30 of the written description.

Dependent claims 2-8 are patentable for the reasons advanced with respect to amended independent claim 1.

Because the prior art does not disclose this particular subject matter, a Notice of Allowance is requested.

Respectfully submitted,

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